

GEROLD FRANK
930 FIFTH AVENUE
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April 19, 1975

Mr. Wayne Chastain, Jr.,
Attorney-at-Law,
Suite 400,
First American Bank Bldg.,
147 Jefferson,
Memphis, Tenn. 38103

Dear Mr. Chastain, Jr.:

I have waited a few days to simmer down before replying to the two letters you sent Doubleday which they have forwarded to me. I am utterly dismayed, although I confess my first reaction was absolute fury.

1. What do you mean that Mr. Withers has tried unsuccessfully to communicate with me for three years, and making such an unwarranted charge against me to the President of Doubleday, which is particularly damaging to me. Neither Doubleday nor I have received any communication from Mr. Withers in that time. If he lost the envelope in which I carefully returned his photographs with my address on it, he had only to write me c/o Doubleday at any time in these last three years. There was never a time when Doubleday failed to forward any communication to me. Why should two letters reach me in one month in 197 but all others be unsuccessful in getting to me for the three years previous?

2. Mr. Withers has been unsuccessful in communicating with me? I was in Memphis the week my book was published! On March 28 and March 29, 1972, I held a press conference at 7 p.m. (March 28) at the Rivermont; the next morning I was interviewed on the WREC Morning Show by Ross Hodge and Kitty Kelley; then I went publicly from book store to book store autographing copies. My presence was known. At 1:30 p.m. that day I did a one-hour TV show, Face to Face, for WMC-TV. I was available. Why didn't Mr. Withers contact me then? Or write me care of the stations, or the Commercial-Appeal, which had written several stories about me, or Memphis State University, where I had lectured? I was reachable at all times.

3. What does your sentence, "Negotiations with the author have been fruitless" mean? What "negotiations"? When has Mr. Withers negotiated with me? To push the logic a little further, if he could not communicate with me, how could he negotiate with me? What did I offer and what was his counter-offer? What proof has he --receipts for

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2- Mr. Wayne Chastain, Jr. -2

registered mail received by me and not answered, telegrams not answered, communications, any claims sent to me--any proof of such "negotiations"? Anything that states I was to pay him? He was only one of nearly 100 persons I interviewed in Memphis, some, day after day, for endless hours, some over weeks.

4. If you read Pages 109, 110 and 243, you will see that I wrote in highest terms of Mr. Withers as an individual and a photographer, describing his shop, even the photographs of the distinguished men, martyrs all, on his walls, whom he had photographed: I wrote what is virtually a tribute to him as a man who "had with his camera recorded most of the important moments in the civil rights struggle in the South"--almost a full page establishing his standing as an important photographer. I gave him, as a professional, the kind of publicity he would have had to pay thousands of dollars for. No money was promised him, any more than it was promised to Dr. Abernathy, who was the room he shared with Dr. King the moment Dr. King was shot; or to the Rev. Billy Kyles, who was on the balcony with Dr. King that awful moment; or to the Rev. James Lawson, at whose home Dr. King was to dine that night; or to Earl Caldwell, the N.Y. Times reporter who occupied a ground floor room at the Lorraine; or to the Rev. Jim Bevel and Chauncey Eskridge, Dr. King's attorney, who were in the Lorraine courtyard at the time--all of whom were interviewed by me and under the same circumstances as Mr. Withers: all of whom spoke to me with promises or "inducements" or "negotiations", spoke to me freely. (Dr. Abernathy even had me accompany him on a flight from Atlanta to Chicago so he could talk in detail to me not only of the murder but of everything that went on at the Lorraine and that rainy night of Dr. King's great speech at the Mason Temple and all of whom had important contributions to make because they were on the scene at the time of the assassination. (Mr. Withers was not there: he was in a courtroom with Andy Young at the time, and at 4:30 p.m. he drove Andy back to the Lorraine and returned to his shop at 327 Beale St. and knew nothing of what happened until his partner's wife was telephoned at 6:05 p.m. and given the terrible news.) They knew they were part of history, that I was writing the history of a great and tragic event (as an author of some 30 years experience whose books have been translated into a dozen languages) and they wanted to be recorded in a permanent history. I held out no offers to them as I held out no offers to Mr. Withers, save to treat them honorably and truthfully in my book, as I sought to do with him

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3 -Mr. Wayne Chastain, Jr.-3

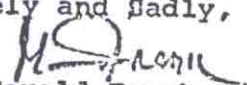
5. I am not only surprised and low in spirit, but deeply disappointed in Mr. Withers. I can only assume he has been confused (and perhaps confused me with another writer who made a deal to pay Ray's legal fees). Mr. Withers apparently has forgotten that I did not meet Mr. Withers until weeks after the assassination, after Ray had already been brought to Memphis: in those many weeks I had interviewed a tremendous number of people, both black and white and been given scores of leads by reporters who knew mine was a major history. ~~As~~ I interviewed, without "inducement or "negotiations" Jim Killpatrick, City Editor of the Commercial-Appeal and Life magazine correspondent in Memphis, who gave me innumerable leads, as well as John Means, Chuc Thornton and other C-A men who covered the murder; I interviewed Arthur Haynes, father & son, Att.Gen. Phil Canale, Ass't Att. Gen. O'Dwyer, Russell X. Thompson, Elder Greer, Walter Bailey, Police Chief Holloman, Baxton Bryant, Max Barod, Harvey Gipson, lawyer for chief witness Stevens, Stevens himself, Charles Holmes, Sheriff Morris, Judge Battle, Lucius Burch, Martin Waldron of the N.Y. Times, Henry Leiferman of UP, Jerry Liipson of the Chicago Daily News, Joe Cohen of the L.A. Times, Cartha DeLoach, J. Edgar Hoover's chief assistant at the FBI, and scores of others.

6. With respect to the two photographs, 8 and 9, which Mr. Withers claims are his, I have just talked to Bo Williams of the C-A, to whom they are credited. He photographed, as did many others) Ray's room (No. 8) and the bathroom (No. 9). Doubleday used the photographs crediting the names stamped on their backs. If Mr. Withers was not paid for No. 7, which is credited to him, that is an oversight. I am therefore prepared to pay Mr. Withers \$35 a photograph --the rate paid for all photographs in the book --for No. 7, and taking his word--I have no proof for I can't find the originals--that 8 and 9 are his, too, the full sum of \$105 for the three. Mr. Withers need only bill me. As for recompense to me for the estimable portrait I painted of Mr. Withers --for generations people reading of the assassination of Dr. King will find Mr. Withers in my pages as a man of high character and high skill in his profession --I leave that between Mr. Withers and his conscience.

Cc Kenneth William Lang,
Assistant contracts manager.

John Sargent, President,
Doubleday & Co., Inc.

Sincerely and Sadly,


Gerold Frank